

Application No. 09/632,466
Response to Office Action dated 03/22/05

REMARKS

Claims 35-43 remain pending in the application. By this amendment, independent claims 35, 37 and 43, and dependent claim 36 have been amended to more clearly set forth Applicants' novel invention. Dependent claim 41(s) has been cancelled and renumbered as new dependent claim 44 to eliminate the improper numbering previously presented by Applicants.

The Examiner has rejected claims 35-43 under §103(a) as being unpatentable over Mizutani et al. (Pub No.: US 2003/0043771) in view of Mattingly et al. (Pub No.: US 2001/0014102.) As understood, the Examiner relies on Mizutani et al. for all the elements claimed by Applicants except for the peripheral devices of Applicants' invention *not* having USB communication capability. The Examiner relies on Mattingly et al. for teaching devices 104 a-n that are configured for accessing a computer system wirelessly and do not include USB capability.

Applicants respectfully submit that newly amended independent claims 35, 37 and 43 overcome the prior art of record by more clearly setting forth Applicants' novel invention of a hub and one or more peripheral devices that communicate *solely* by RF transmission (as opposed to USB communication taught by Mizutani et al.) and such devices are *not* triggered via wireless telephony (as opposed to telephony communication taught by Mattingly et al.)

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More specifically, Applicants do not require active telephonic communication with a PC and use this form of communication to interact with a peripheral device as taught and claimed by Mattingly et al. Admittedly, isochronous data transfer can and may be performed wirelessly through Applicants' USB hub and wireless peripheral devices. However, in sharp contrast to Mattingly et al., Applicants' novel invention does not require telephonic communication with the computer to activate isochronous data transfer between the hub and the peripheral device. For example, wireless speakers using the isochronous mode of data transfer where data streams between the peripheral device (the speakers) and the host (the computer) in real-time with no error correction, interact directly between Applicants' novel hub and the computer. Mattingly et al. requires the extra element of activation of the peripheral device (the speakers) through a telephonic connection (albeit wireless, such as a cell phone or PDA) with the host computer to interact with the peripheral device.

Applicants' invention further differs from Mizutani et al. when combined with Mattingly et al., as suggested by the Examiner, where neither teach or suggest Applicants' novel device. Applicants' device does not provide a wireless port connection to a wireless device as taught by Mizutani et al., as that would be redundant. Mizutani et al. is directed toward solving the problem of adapting a non-wireless system to a wireless system. Alternatively, applying Applicants' teachings to Mizutani et al. would not solve the problem where Applicants' system eliminates the need for Mizutani et al. adaptation devices.

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Nor does Applicants' device provide a telephone connection where none is needed. Mattingly et al. is directed toward adapting a telephone driven unit to accepting multiple isochronous data streams. Applicants teach away from Mattingly et al. where Applicants do not require peripheral device data stream transfer activation by telephonic interface nor focus on isochronous streamlining.

Applicants respectfully submit that independent claims 35, 37 and 43 are allowable over the art of record. Remaining claims 36, and 38-39 depend from these claims and are, therefore, also allowable. Such action is respectfully solicited.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art.

By amending the application, Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

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Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicants request that the Examiner contact Theresa A. Orr at (248) 258-3877.

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If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 12-2136 for any fee which may be due.